

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 5813 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO
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MANOJ JESNGMAL PUNJABI (NAWANI)

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 5813 of 2000
MR KB ANANDJIWALA for Petitioner No. 1-7
Mr. Samir Dave, APP, for Respondent No. 1
MR GJ ASRANI for Respondent No. 2
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CORAM : MR.JUSTICE M.H.KADRI

Date of decision: 03/10/2001

ORAL JUDGEMENT

1. Rule. Learned APP, Mr. Samir Dave, waives
service of rule on behalf of respondent No.1 and learned
advocate Mr. G.J. Asrani waives service of rule on

behalf of respondent No.2 (original complainant). By consent of the learned advocates for the parties, this application is taken up for final hearing today.

2. The petitioners, original accused, have filed this application under Section 482 of the Code of Criminal Procedure, 1973, to quash the proceeding registered as Criminal Case No.895 of 2000 pending in the Court of the learned Metropolitan Magistrate, Court No.17, Ahmedabad.

3. With the cooperation of the learned advocates for both the parties, the attempts were made to solve the disputes involved in this application. As a result of the persuasion of the learned advocates for both the parties, the petitioner No.1, Manoj Jesingmal Punjabi (husband) and respondent No.2, Smt. Anjuben Manojkumar Jesingmal Punjabi (wife) have filed compromise purshis dated September 11, 2001. The said compromise purshis have been signed by the petitioners No.1 and the respondent No.2 and also by the learned advocate, Mr. K.B. Anandjiwala, for the petitioner No.1 and the learned advocate, Mr. G.J. Asrani, for the respondent No.2.

4. In pursuance of the compromise arrived at between the parties, the petitioner No.1 has handed over five demand drafts of Rs.1 lakh each to the respondent No.1 today in the Court. Copies of the compromise purshis and five demand drafts are ordered to be taken on record.

5. It is agreed between the parties that the proceeding pending in the Family Court shall be disposed of by obtaining a decree of divorce by consent as provided under Section 13(B) of the Hindu Marriage Act, 1956.

6. As the dispute involved in the criminal proceeding is amicably settled, the complaint, which is lodged by the respondent No.2, in the Court of the learned Metropolitan Magistrate, Court No.17, Ahmedabad, deserves to be quashed.

7. As a result of foregoing discussion, this application is allowed. The proceeding registered as Criminal Case No.895 of 2000 pending in the Court of the learned Metropolitan Magistrate, Court No.17, Ahmedabad, is quashed. Rule is made absolute.

October 3, 2001 (M.H. Kadri, J.)
(swamy)

